

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
REFERENCE NO.10 OF 2003**

Kamalkant s/o. Wamanrao Vitonde,
Judge, Labour Court, Thane.

....Petitioner.

Vs.

T.N. Gopinath and ors.

....Respondents.

Mr. N.B. Shah for the Respondent Nos. 1 and 2.
Mr. F.R. Shaikh, APP. for the Respondent No.3.

**CORAM: S.S.PARKAR &
R.S.MOHITE, JJ.
DATED: 9TH AUGUST, 2004**

P.C.

1. Heard.

2. This reference was made by the Labour Court, Thane against the respondents who are Directors of the company by name Ms. Suyog Rubber (India) Private Limited. The worker whose matter was before the Labour Court made complaint before the Labour Court that the respondent Nos.1 and 2 had told him that they could purchase the court. Pursuant to the statement of the worker made on 21.4.2003 show cause notice was issued on 27.8.2003 to the respondent Nos. 1 and 2. Though the show cause notice was received by the respondent Nos.1 and 2 on 2.9.2003, no reply was filed. Thereafter, the Labour Court passed an order of reference on 3.10.2003 for taking action against the respondents under the provisions of Contempt of Courts Act.

3. Mr. Shah appearing for the respondents contemnors in pursuance to the notice issued to the respondent Nos. 1 and 2 by this court contended that the Advocate for the respondents was not available and therefore, reply was not filed in the Labour court. The stand taken in the reply affidavit filed in this court is that the respondents had not made the alleged statement. Mr. Shah submits that the matter may be remanded back to the Trial Court on payment of costs of Rs.5000/- by each of the respondents for filing reply to the show cause notice issued by the Labour Court.

4. In the circumstances, reference is remanded to the Trial Court to enable the respondent Nos. 1 and 2 to file their reply to the show cause notice dated 27.8.2003 issued by the Labour Court on payment of costs of Rs.5000/- by each of the respondent Nos.1 and 2 within a period of three weeks from today in the Labour Court. On payment of costs as aforesaid in the Trial Court, the Labour Court shall allow the respondent Nos.1 and 2 to file their reply and thereafter decide the matter on merit. Out of the amount of Rs.10,000/- to be paid by the respondent Nos. 1 and 2, an amount of Rs.5000/- shall be paid to the worker by name Keshav Gopu Rathod who had made complaint before the Labour Court. Reference is

disposed of accordingly.

3. On the application of Mr. Shah a copy of this order duly authenticated by the Sheristedar of this court is allowed to be furnished to him.

(S.S.PARKAR, J.)

(R.S. MOHITE, J.)